

Gateway Determination

Planning proposal (Department Ref: PP_2016_SINGL_003_00): to rezone 257 Hermitage Road, Pokolbin to RU4 and enable subdivision of 10ha lots (up to 30 lots) and recognise the significance of the site as a north western gateway into the vineyards district.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Singleton Local Environmental Plan 2013* to amend the zone and minimum lot size regarding 257 Hermitage Road Pokolbin, should not proceed for the following reasons:

1. There is insufficient justification to support the expansion of this type of development as the planning proposal is inconsistent with the strategic planning framework at the state, regional and local level and this inconsistency has not been justified. In particular:
 - a) the proposal is inconsistent with the Upper Hunter Strategic Regional Land Use Plan (2012), which requires councils to include appropriate zonings and provisions to protect the Critical Industry Cluster Land (Viticulture) it identified.
 - b) the proposal is inconsistent with the Rural Planning Principles and Rural Subdivision Principles of *State Environmental Planning Policy (Rural Lands) 2008*.
 - c) the proposal is inconsistent with the Singleton Land Use Strategy 2008.
 - d) the proposal is inconsistent with the Hermitage Road Pokolbin Planning Study which was prepared for Singleton Shire Council for the purpose of advising on this proposal and recommended that the 40 hectare minimum lot size be retained and that further, more detailed work on planning for the area should be undertaken.
2. Justification of the proposal on the basis of tourism development is not supported without a broader strategic plan for the Critical Industry Cluster (Viticulture). The proposal has the potential to establish a precedent that may impact on the Pokolbin Vineyards District and the Viticultural Critical Industry Cluster more broadly because of the potential land use conflict and impact on agricultural productivity.
3. The proposed local provision is considered difficult to administer and regulate and therefore unlikely to achieve Council's intended objective.
4. The contribution to the agricultural productivity of the Critical Industry Cluster of this style of development has not been demonstrated. The submitted land use audit demonstrates a dominance of tourism related enterprises and individual residential dwellings.

5. The Department of Primary Industries (Agriculture) have previously provided comment on the proposal as part of a broader submission. The matters raised in their submission have not been adequately addressed and include;
- a. concern regarding the rezoning to RU4 Primary Production Small Lots specifically for this site;
 - b. concern regarding the growth of rural tourism, with increased dwellings, and commercial activities and the impacts of this on land use conflict, infrastructure (roads and water) and scenic amenity in rural areas;
 - c. the potential for the proposal to fuel expectations for similar development more broadly; and
 - d. the need for other mechanisms (beyond zone and lot size) to reduce the threat of land use conflict and negative outcomes on agricultural industry development.

Dated 20th day of June 2016.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning